

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

EDGE CAPTURE L.L.C., and EDGE SPECIALISTS, L.L.C.,	)	
	)	
Plaintiffs,	)	Civil Action No. 09-CV-1521
	)	
v.	)	<b>JURY TRIAL DEMANDED</b>
	)	
BARCLAYS BANK PLC, BARCLAYS CAPITAL INC., UBS AG, UBS FINANCIAL SERVICES INC., UBS SECURITIES, L.L.C., WOLVERINE TRADING, L.L.C., AND WOLVERINE EXECUTION SERVICES, L.L.C.,	)	Judge Charles R. Norgle, Sr.
	)	
Defendants.	)	Magistrate Judge Denlow
	)	

**PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY**

Plaintiffs Edge Capture L.L.C. and Edge Specialists, L.L.C. hereby give notice to the Court and Defendants of the existence of additional authority in support of Edge's Opposition to Barclays And UBS Defendants' Renewed Motion To Dismiss The Amended Complaint (D.E. 118) and Edge's Opposition to Wolverine Trading, L.L.C. And Wolverine Services, L.L.C.'s Motion To Dismiss The Amended Complaint (D.E. 119).

On December 8, 2010, the United States Court of Appeals for the Federal Circuit issued its first post-*Bilski* opinion on the patent-eligibility of claims under 35 U.S.C. § 101. A copy of the opinion, *Research Corporation Techs., Inc. v. Microsoft Corp.*, No. 2010-1037 (Fed. Cir. Dec. 8, 2010), is attached as Exhibit "A."

In the opinion, the Federal Circuit reversed a district court ruling that the asserted patents—which claimed processes for digital image half-toning in computer applications—failed to claim patent eligible subject matter. In addressing the argument that the process claims sought

to impermissibly claim “abstract ideas,” the Federal Circuit refused “to define ‘abstract’ beyond the recognition that this disqualifying characteristic should exhibit itself so manifestly as to override the broad statutory categories of eligible subject matter and the statutory context that directs primary attention on the patentability criteria of the rest of the Patent Act.” Ex. A at 14.

The Federal Circuit reached the conclusion that the invention covered patent-eligible subject matter because “[t]he invention presents functional and palpable applications in the field of computer technology.” *Id.* at 15. The Court expressly noted that “inventions with specific applications or improvements to technologies in the marketplace are not likely to be so abstract that they override the statutory language and framework of the Patent Act.” *Id.* The Federal Circuit also held that the incorporation of significant algorithms and formulas into the claims failed to bring the invention “even close to abstractness that would override the statutory categories and context.” *Id.* In addition, the Court noted that the recitation of structure — *i.e.*, “‘high contrast film,’ ‘a film printer,’ ‘a memory,’ and ‘printer and display devices’” — in some of the claims confirmed the holding that the invention is not abstract. *Id.*

Dated: December 16, 2010

Respectfully submitted,

By: /s/ Patrick G. Burns

---

Ronald J. Schutz (*pro hac vice*)

Munir R. Meghjee (*pro hac vice*)

Sang Young A. Brodie (*pro hac vice*)

Glenna L. Gilbert (ARDC No. 6286244)

**ROBINS, KAPLAN, MILLER & CIRESI L.L.P.**

2800 LaSalle Plaza

800 LaSalle Avenue

Minneapolis, Minnesota 55402

Phone: (612) 349-8500

Facsimile: (612) 339-4181

-and-

Patrick G. Burns (ARDC No. 3122589)

Jeana R. Lervick (ARDC No. 6277887)

Gavin James O'Keefe (ARDC No. 6293489)

**GREER, BURNS & CRAIN, LTD.**

300 South Wacker Drive

Suite 2500

Chicago, Illinois 60606

Phone: (312) 360-0080

Facsimile: (312) 360-9315

**ATTORNEYS FOR PLAINTIFFS EDGE  
CAPTURE L.L.C. AND EDGE SPECIALISTS,  
L.L.C.**

## CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on December 16, 2010, he caused a true and correct copy of **PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY** to be served on the below parties through the CM/ECF system:

Jeffrey G. Randall	jeffrandall@paulhastings.com
Allan M. Soobert	allansoobert@paulhastings.com
Emily Newhouse Dillingham	emilydillingham@paulhastings.com
Robert W. Unikel	robert.unikel@kayescholer.com
Deanna L. Keysor	deanna.keysor@kayescholer.com
Michelle Kristina Marek	michelle.marek@kayescholer.com

/s/ Patrick G. Burns

Patrick G. Burns